

REMARKS

Claims 1,2 and 4 - 6 are in the application.

As a result of the foregoing amendment, the subject matter of claim 3 has been included in claim 1.

Reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. 112, second paragraph, are respectfully requested.

The examiner will note that claim 2 has been amended to make it clear that the longitudinal slot is undercut and also that the inner side of the longitudinal slot projects inwardly into a corner formed between the projection and an outer end section of the clamping part adjoining the projection.

This configuration is clearly illustrated in the drawings and, therefore, no new matter has been added.

Reconsideration and withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Aab et al., are also respectfully requested.

As mentioned above, the subject matter of claim 3 has been included in claim 1. It is submitted that, as result, claim 1 is clearly distinguished over the reference to Aab et al.

Applicants respectfully submit that claim 1 as amended is not disclosed or suggested by the reference to Aab et al.

The reference to Aab et al. does not disclose or suggest the present invention as claimed because the open cross-sectional surface of the longitudinal slot of the rail of Aab et al. does not correspond to the contour of the clamping part 4 and its projection 5 as seen in the actual direction of the clamping sleeve 3. In order to illustrate this point, submitted herewith is a sketch in which is shown a clamping sleeve of the type as it is usually placed in the device for holding hose clamps according to the present invention. In the rail of the reference, the open cross-sectional surface area, which includes the entire inner space of the rail, is much greater than the contour of the clamping part 4 which protrudes from the circumference of the sleeve and its projection extending in the circumferential direction of the sleeve. Clearly, the clamps would fall out in the event of a slight movement to the side or a slight impact. The purpose in the reference to Aab et al. is not to hold and guide hose clamps in the

rail; rather, the purpose is to support screws, as described in the Abstract and shown in Figs. 6 and 9 of the reference. Even if it were assumed that the rail in the reference were to have different dimensions for screws of different sizes, the head of a screw with a polygonal head with even the smallest size would still be significantly larger than the usual thickness of a hose clamp band which usually is about 0.5 to 1 mm.

Applicants respectfully also disagree with the position taken by the examiner that one of the two "ridges or shelves" 74 in the reference to Aab et al. (see column 9, line 20 of the reference) constitutes an "edge" of the multitudinal slot in the rail. This is because the edge of a slot in a rail is located on the outside and not the inside. This is why the examiner correctly identifies the slot with the reference numeral 75. However, the edges of the slot 75 are even further apart than the ridges 74. In other words, if the position taken by the examiner that the projection 5 of a hose clamp could be supported at the edge of the slot 75, then the space for an unintentional pivoting of the clamp as a result of the fact that the width of the slot in the rail of Aab et al. is much greater exactly at this position than the thickness of the hose clamp band which also forms the clamping part. This would have the result that, in contrast to the present invention, a clamp inserted into the slot of the rail of Aab et al. could easily drop out of

the slot.

It is applicants' position that claim 1 cannot be viewed independently of the clamp because the shape of the center clamp parts 4,5 is defined in the claim in such a way that the undercut in the slot of the rail is easily described with reference to the shape of these clamp parts.

Therefore, it should be permissible in a patent claim to describe the shape of an object to be patented by referring to the known shape of an object which belongs to a part which is not to be patented. This is frequently the case, even though it is expressed somewhat differently. For example, the following terms are used frequently: "pyramid-shaped", "circular", "conical", "U-shaped", "C-shaped", etc. (or conversely "in the form of a pyramid" or the like), just to name a few. Moreover, some parts are described using biological terms, such as, "head", "arm", "leg", "foot", "eye", "tooth", "ear", "lip", "branch", "tulip", and the like, even though these limbs or parts described by biological terms are not actually referring to such biological parts; rather, these terms are merely used to describe the basic shape or function of these technical components. It is respectfully submitted that in accordance with U.S. law, it should not be generally true that the field of application of an object to be patented cannot contribute

to the argument of insufficient novelty.

Applicants respectfully submit that claim 1 as amended is patentable over the reference to Aab et al.

Even in the O-ring holding device 50 of Sterrett et al., the open cross-sectional area clearly does not correspond to the contour of the clamping part 4 of a clamp and its projection 5. In the tubular part 52 of Sterrett et al., the O-rings 20 are clamped between flexible arms 54. Aside from the fact that the clamping part 4 of a hose clamp including its projection 5 as disclosed by Sterrett et al. could not be easily inserted into the slot 56 because this would be prevented or at least hindered by the "inner shelf" 57 (Fig. 13), as is apparent from the cross-sectional shape of the twin component 64 which is illustrated in more detail in Fig. 14, a clamping part which has been forcibly inserted into the slot 56 with the arms 54 and the shelf 57 being bent and, therefore, the clamping part including its projection being clamped into the rail could no longer be displaced in the longitudinal direction of the slot under the own rate of the hose clamp and the clamp cannot be easily removed without additional auxiliary means or force application by holding the rail approximately vertically.

Accordingly, the present invention as claimed is also not disclosed by the reference to Sterrett et al..

In addition, the references to Aab et al. and Sterrett et al. did not render the present invention obvious because these references do not disclose or suggest the device for holding hose clamps according to the present invention and the special shape of the clamp elements so that the hose clamps can be held securely and easily removed.

Accordingly, it is submitted that claim 1 and the claims depending therefrom are patentable over the art of record.

Applicants have noted that the examiner has indicated that claim 5 would be allowable if were written in independent form.

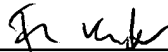
However, as discussed above, it is submitted that all of the claims presently in the application are allowable over the art of record.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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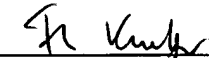
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Dated: March 8, 2005

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